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10/658,675	09/10/2003	Scott Sutherland	109136.125US1	2225

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EXAMINER

ENGLE, PATRICIA LYNN

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/658,675

Applicant(s)

SUTHERLAND, SCOTT

Examiner

Patricia L Engle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/31/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the bumper having a greater overall height than the frame part (claim 2) and the bumper comprising a storage area (claim 13 and 14) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. The term "add-on parts" in claim 15 is a relative term which renders the claim indefinite. The term "add-on parts" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The claim does not indicate what the add-on parts would be. The specification does not provide a clear description of what is meant by add-on parts. The specification states that "reflectors or other add-on components" can be fixed to the bumper. What are the other add-on components? Is the reflector the add-on component? If so, is it the only add on component?

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for

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patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-8, 11, 12, 16, 18 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Allen et al. (US 2002/0074764, filed on May 18, 2001).

Regarding claim 1, Allen et al. disclose a bicycle trailer with a chassis formed of at least one frame part (18), the bicycle trailer comprising: at least one bumper (120) which is positioned on the outside of said at least one frame part (18) of the chassis and projects past the outside of said at least one frame part (18) in at least one direction (see Fig. 1).

Regarding claim 2, Allen et al. disclose the bicycle trailer according to claim 1, wherein said at least one bumper (120) has a greater overall height than said at least one frame part (18) (the bumper must have a greater height than the frame because the bumper surrounds the frame part as seen in Fig. 1 and Fig. 15).

Regarding claim 3, Allen et al. disclose the bicycle trailer according to claim 1, wherein said at least one bumper (120) projects past at least one of an edge (Fig. 1) and an end of said at least one frame part (18).

Regarding claims 4, 5 and 6, Allen et al. disclose the bicycle trailer according to claims 1, 2 and 3, wherein said at least one bumper (120) extends sideways past the chassis (Fig. 1) far enough to at least partially cover one of a front space (Fig. 1) and a rear space between a wheel and the chassis.

Regarding claim 7, Allen et al. disclose the bicycle trailer according claim 1, wherein said at least one bumper (120) is hollow (see Fig. 15).

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Regarding claim 8, Allen et al. disclose the bicycle trailer according claim 7, wherein said at least one bumper is formed as a tube. A tube is defined as "A hollow cylinder, especially one that conveys a fluid or functions as a passage.<sup>1</sup>" The bumper of Allen et al. includes a hollow cylinder (124 and 126) which act as passages (for frame 18 and tow bar 16), therefore the bumper is formed as a tube.

Regarding claim 11, Allen et al. disclose the bicycle trailer according to claim 1, wherein said at least one bumper (120) is positioned in a front area (Fig. 1) of the chassis and said at least one bumper (120) is formed to hold a drawbar (16) for the bicycle trailer.

Regarding claim 12, Allen et al. disclose the bicycle trailer according to claim 11, wherein the drawbar (16) is detachably connected (via 128, 130 and 132) to said at least one bumper (120).

Regarding claim 16, Allen et al. disclose the bicycle trailer according to claim 1, wherein said at least one bumper (120) comprises a plurality of bumpers (120) positioned for protecting one of a front comer (50), a rear comer, and both a front and rear corner of said at least one frame part (18).

Regarding claim 18, Allen et al. disclose the bicycle trailer according to claim 1, wherein said at least one bumper (120) is positioned at about the height of a wheel hub (92) of the bicycle trailer (10).

Regarding claim 19, Allen et al. disclose a bicycle trailer comprising: a chassis (18) having at least one frame part (18), and at least one bumper (120) positioned on the outside of

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<sup>1</sup> *The American Heritage® Dictionary of the English Language, Third Edition* copyright © 1992 by Houghton Mifflin Company. Electronic version licensed from INSO Corporation; further reproduction

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said at least one frame part (18) of the chassis, said at least one bumper (120) projecting past the outside (Fig. 1) of said at least one frame part (18) in at least one direction.

8. Claims 1, 3, 4, 6, 7, 8, 10-12, 16, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Chiu (US Patent 6,053,518).

Regarding claim 1, Chiu discloses a bicycle trailer with a chassis formed of at least one frame part (202), the bicycle trailer comprising: at least one bumper (20 in Fig. 4) which is positioned on the outside of said at least one frame part (21,201,202) of the chassis and projects past the outside of said at least one frame part (202) in at least one direction (see Fig. 4).

Regarding claim 3, Chiu discloses the bicycle trailer according to claim 1, wherein said at least one bumper (20) projects past at least one of an edge (Fig. 4) and an end of said at least one frame part (202).

Regarding claims 4 and 6, Chiu discloses the bicycle trailer according to claims 1 and 3, wherein said at least one bumper (20) extends sideways past the chassis (Fig. 1) far enough to at least partially cover one of a front space (23) and a rear space between a wheel (40) and the chassis (21).

Regarding claim 7, Chiu discloses the bicycle trailer according claim 1, wherein said at least one bumper (20) is hollow (see Fig. 15).

Regarding claim 8, Chiu discloses the bicycle trailer according claim 7, wherein said at least one bumper is formed as a tube.

Regarding claim 10, Chiu discloses the bicycle ' trailer according to claim 1, wherein said at least one bumper (20) takes on a weight-bearing function of the chassis (since the bumper 20

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extends outside of frame part 21 along the entire length of the trailer, it is inherent that it takes on a weight bearing function).

Regarding claim 11, Chiu discloses the bicycle trailer according to claim 1, wherein said at least one bumper (20) is positioned in a front area (Fig. 4) of the chassis and said at least one bumper (20) is formed to hold (via 24) a drawbar (30) for the bicycle trailer.

Regarding claim 12, Chiu discloses the bicycle trailer according to claim 11, wherein the drawbar (30) is detachably connected (via 24) to said at least one bumper (20).

Regarding claim 16, Chiu discloses the bicycle trailer according to claim 1, wherein said at least one bumper (20) comprises a plurality of bumpers (20) positioned for protecting one of a front corner, a rear corner, and both a front and rear corner (Fig. 4) of said at least one frame part (201,21).

Regarding claim 18, Chiu discloses the bicycle trailer according to claim 1, wherein said at least one bumper (20) is positioned at about the height of a wheel hub (Fig. 6) of the bicycle trailer.

Regarding claim 19, Allen et al. disclose a bicycle trailer comprising: a chassis having at least one frame part (21,201,202), and at least one bumper (20) positioned on the outside of said at least one frame part (21) of the chassis, said at least one bumper (20) projecting past the outside (Fig. 4) of said at least one frame part (21) in at least one direction.



*Claim Rejections - 35 USC § 103*

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 9, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al.

Regarding claim 9, Allen et al. do not disclose that one of the ends includes a plug. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a plug at the rear end of passage 126. The motivation would have been to provide an easy method of aligning the holes so that pin 128 could be inserted to lock the tow bar into the bumper.

Regarding claim 15, Allen et al. disclose the bicycle trailer of claim 1. Allen et al. do not disclose that the bumper includes add-on parts. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to include reflector strips on the bumper. The motivation would have been to make the trailer visible when the bicycle trailer was being used at night.

Regarding claim 17, Allen et al. disclose the bicycle trailer of claim 1. Allen et al. do not disclose that the bumper member (120) is detachably attached to the frame. Allen et al. do disclose that member 40 is detachably connected to the frame. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the bumper (120) detachably

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attached to the frame. The motivation would have been to replace the bumper (120) if it became damaged.

11. Claims 1 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Golze (US Patent 4,239,253) in view of Williams et al. (US Patent 6,213,539).

Golze discloses a trailer comprising at least one bumper (50) which is positioned on the outside of the frame part (26) and projects past the outside of at least one frame part (26).

Golze does not disclose that the trailer is a bicycle trailer.

Williams et al. disclose a trailer (900) which is a bicycle trailer (Fig. 11).

Golze and Williams et al. are analogous art because they are from the same field of endeavor, i.e., trailers.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to allow the trailer of Golze to be used as a bicycle trailer as it would merely involve the alternate utilization of an equivalent trailer means to achieve the same exact function of trailing items behind a vehicle.

Therefore, it would have been obvious to combine Williams et al. with Golze to obtain the invention as specified in claims 1 and 19.

12. Claims 7-9, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Golze in view of Williams et al. as applied to claim 1 above, and further in view of Brown (US Patent 4,674,933).

Golze as modified discloses the trailer of claim 1.

Golze as modified does not disclose that the bumper is hollow (claim 7), tubular (claim 8) and includes a plug (claim 9) or that the bumper includes a storage area (claims 13 and 14).

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Brown discloses a bumper which is formed as a hollow tube which includes a plug on one end (57) in which the plug (57) acts as a storage compartment for tools.

Golze as modified and Brown are analogous art because they are from a similar field of endeavor, i.e., bumpers.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to make the bumper a tubular member which was hollow and included a plug and a storage compartment.

The motivation would have been to have a bumper which provided protection for the trailer and also allowed tools to be stored so that any tools required to attach the trailer to the vehicle would be readily available.

Therefore, it would have been obvious to combine Brown with Golze as modified to obtain the invention as specified in claims 7-9, 13 and 14.

### *Conclusion*

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art discloses other bicycle trailers.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L Engle whose telephone number is (703) 306-5777.

The examiner can normally be reached on Monday - Friday from 8:00 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patricia L Engle  
Examiner  
Art Unit 3612

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July 8, 2004